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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Revision No. 4098 of 2007

Date of decision: 30.8.2007

Sewa Singh ...Petitioner

Versus

Gurneet Singh and others ...Respondents

CORAM: HON'BLE MR.JUSTICE RAJESH BINDAL

Present: Mr. R.K.Shukla, Advocate for the petitioner.

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RAJESH BINDAL, J.

Challenge in the present petition, filed under Article 227 of the Constitution of India, is to order dated July 23, 2007 passed by learned Additional Civil Judge (Senior Division), Nabha whereby application filed by the petitioner under Order XII Rule 2 of the Code of Civil Procedure for admission/denial has been rejected. While rejecting the prayer made by the petitioner in his application, following order was passed:-

> "Heard. After perusal of the file I find that present case has been filed by plaintiffs against the defendants for declaration to the effect that sale deeds No. 363 dated 4.10.1996, No. 364 dated 4.10.1996, No. 365 dated 4.10.1996, No. 368 dated 9.10.1996 and 370 dated 11.10.1996 are illegal, null and void and both these applications have been filed in the year 2002 and 2003 and issues in this case has been framed as back as on 19.10.2001 and both the parties have led evidence in support of their respective claims. This case is already more than ten years old and plaintiffs have already led their entire evidence with regard to proving their claim/stake qua being illegal, null and void. Now at this stage, purpose of deciding the applications shall be of no use as parties have already led their

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evidence and the purpose of filing of this application has already extinguished. Hence, the applications does not lie and deserve dismissal. As a result of my above discussion, the application in hand are dismissed being devoid of merit."

Learned counsel for the petitioner did not dispute the facts noticed by the Court below while rejecting the application. In my opinion, the impugned order passed by the Court below is strictly in conformity with the spirit of law. After the parties have already led their evidence in support of their respective claims in a suit, which is more than 10 years old, no occasion arises for consideration of the application for admission/denial, which was relevant in the early stage of the suit before the parties started leading their evidence as it would have been beneficial at that stage to cut short the area of dispute.

Accordingly, I do not find any merit in the present petition and the same is dismissed in limine.

August 30, 2007 **(Rajesh Bindal)**
Pka **Judge**